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Letter dated 11 October 2002 from the Permanent Representative of Lithuania to the United Nations addressed to the Secretary-General

I have the honour to submit herewith the country report on trafficking in human beings of the Republic of Lithuania (see annex). I would be grateful if the text of the present letter and its annex were distributed as a document of the fifty-seventh session of the General Assembly, under agenda item 100, entitled "Crime prevention and criminal justice".

(*Signed*) Gediminas **Šerkšnys**
Ambassador
Permanent Representative

02-63797 (E) 161002

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Annex to the letter dated 11 October 2002 from the Permanent Representative of Lithuania to the United Nations addressed to the Secretary-General

Lithuania: country report on trafficking in human beings

Introduction

One of the most important objectives of the Government of the Republic of Lithuania is to implement measures for the prevention of trafficking in human beings, which are the following: complex measures for eliminating the causes of these phenomena, modernisation and strengthening of the system of law enforcement and other state institutions, supporting of activities of non-governmental organisations, and disrupting of networks of criminal structures which are engaged in trafficking in people and organisation of prostitution, child abuse and commercial exploitation.

Legal instruments

Legislation of the Republic of Lithuania stipulates criminal liability for trafficking in people and for other crimes related with trafficking in people (e.g. procuring, illegal transportation of people through the national border).

On 2 July 1998, the Law Amending the Criminal Code of Lithuania was adopted. It supplemented the Criminal Code with the Article 131^3, which establishes the liability (from 4 to 8 years of deprivation of freedom) for trafficking in people – selling or purchasing of a person with an aim to sexually exploit him/her, force to become engaged in prostitution or gain personal profit from him/her, as well as smuggling of a person for the purposes of prostitution to Lithuania or beyond its borders (Paragraph 1 of the Article), the liability (from 6 to 12 years) for the same act committed repeatedly or with respect to a minor, or the act committed by a group of people in prior agreement or by an especially dangerous persistent offender (Paragraph 2 of the Article). The said Law also amended Articles 8^1 and 35 of the Criminal Code of Lithuania, according to which trafficking in people is placed under major crimes. According to the Article 131^3 "Trafficking in People" of the Criminal Code of the Republic of Lithuania, 3 criminal cases where initiated in 1999, 4 - in 2000, 14 – in 2001, and 18 – during eight months of 2002.

The new Criminal Code of the Republic of Lithuania, approved on 26 September 2001, also stipulates liability for trafficking in people. Procuring is an act, which, according to Paragraph 3 of the Article 239 of the Criminal Code of the Republic of Lithuania, is punished by imprisonment for a term of up to 5 years. The act, which is punishable according to Paragraph 4 Article 239 of the Criminal Code of Lithuania, i.e. engaging a minor or a person who is dependent materially, or based on the position he occupies or in other ways, into prostitution, as well as engaging a person in prostitution by way of blackmailing or deceit or using psychological or physical violence, is punished by a term from 3 to 7 years of deprivation of freedom. According to Paragraph 3 of the Article 239 of the Criminal Code of the Republic of Lithuania, no criminal cases were initiated during 1995 – 1997, in 1998, 4 cases were initiated, in 1998 – 4, in 1999 – 15, in 2000 – 9, and in 2001 – 2 criminal cases.

A number of articles of the Criminal Code of the Republic of Lithuania provide for criminal liability for illegal crossing of the national border and illegal transportation of persons across the national border. Under Article 82 illegal crossing of the border inflicts the following penalties: up to 3 years of imprisonment, and up to 5 years for aggravated circumstances. Article 82^1 sets criminal liability for illegal transportation of persons to the Republic of Lithuania or their hiding and establishes the following penalties: up to 10 years of imprisonment, and up to 15 years for aggravated circumstances.

Enactment on 1 June 1999 of the new Article 82^2 of the Criminal Code of the Republic of Lithuania was one of the measures to prevent trafficking in people and the spread of illegal work related to it. This Article established criminal liability for transporting a Lithuanian citizen to a foreign country with the purpose of asking for refuge, seeking illegal employment or staying in that foreign country illegally for other reasons or on the grounds of a deceitful promise to arrange a legal status. Penalties range up to 6 years of imprisonment, while in cases with aggravated circumstances – 4 to 8 years of imprisonment.

International Conventions

The Government of the Republic of Lithuania seeks to pool efforts of law enforcement and other state institutions as well as of non-governmental organisations in order to implement provisions of laws and international agreements of the Republic of Lithuania related to trafficking in people. On 3 July 1995, it ratified the UN Convention on the Rights of the Child, and on 10 September 1995 – the UN Convention on Abolishment of All Forms of Discrimination Against Women. According to the Article 6 of the latter Convention, the Government is obliged to take all necessary measures in order to stop all sorts of trafficking in women and the use of women for prostitution.

On 13 December 2000, the Republic of Lithuania signed the UN Convention Against International Organised Crime. Under the decree as of 8 February 2002, the President of the Republic of Lithuania submitted this Convention for the Seimas of the Republic of Lithuania to ratify. On 25 April 2002, the Protocol on prevention, suspension of trafficking in people, women and children in particular, and punishment for the engagement in this activity, which supplemented this Convention was signed. Moreover, in Lithuania recommendations of the Committee of Ministers of the Council of Europe and other acts of the international law, which primarily served as a basis when preparing the Programme of Control and Prevention of Trafficking in People and Prostitution for 2002 – 2004, are being implemented.

Government Programmes

Taking into consideration the relevance of the problem of trafficking in people and implementing the Law Approximation Action Plan and the ACQUIS Implementation Action Plan of Lithuania's EU Accession Programme (National Programme for the Adoption of the ACQUIS), a Programme on the Control and Prevention of Trafficking in People and of Prostitution for the period 2002 – 2004 was prepared. Trafficking in people and prostitution are social phenomena, thus, it is planned to organise a system of their control and prevention that covers a complex of various measures in the field of education, public health and social-economical area.

Upon implementation of this programme, the fight against specialised criminal gangs will be more effective, a system of social assistance which limits engagement of new persons into prostitution will be developed, conditions for social, psychological, and legal assistance for victims of prostitution and trafficking in people will be created, the search system of missing people will be enhanced, a system of information supply on prevention, research, and disclosure of human trafficking will be developed, international cooperation will be expanded, and non-governmental organisations will be supported. In addition, a programme of preventive education at schools will be carried out, and a computerised data base on people detained with false documents, suspected of procuring, and deported from both foreign countries and the Republic of Lithuania will be compiled at the State Border Guard Service under the Ministry of the Interior, and recommendations of the international legal acts and international organisations in the field of control of trafficking in people and prostitution will be implemented.

Devoting a lot of attention to the fight against causes of trafficking in people, Lithuania has prepared the Poverty Reduction Strategy, for the implementation of which a corresponding programme is being developed and which will cover particular measures. The Government of the Republic of Lithuania has approved the Programme for the Increase of Employment, which is currently being implemented.

In Lithuania the initiative for integrating and reorienting persons who have been subjected to trafficking in people falls to governmental and non-governmental institutions. Aid is provided by the following entities: in social issues (employment, professional orientation) by the Social Security and Labour Ministry; legal and protection issues – by the Police Department under the Ministry of Interior and the Ministry itself; healthcare issues – by the Ministry of Health and the AIDS Centre of Lithuania. Reintegration issues are dealt with by the Foreigners' Registration Centre of the State Border Guard Service under the Ministry of Interior, within the scope of its competence.

Government co-ordination

The co-operation (as well as the exchange of information) within the country takes place between various institutions and organisations on various levels. The direct fight against trafficking in people is carried out by special police divisions (preventive activity is carried out by special divisions of Organised Crime Investigation Service of the Criminal Police Bureau of Lithuania).

The co-operation (as well as the exchange of information) in the field of control and prevention of trafficking in people is as follows: in the police system (between police divisions); between law enforcement institutions (on the basis of the agreement between the Prosecutor's Office, police, the State Security Department, Special Investigation Services, Financial Crimes Investigation Service under the Ministry of the Interior, State Border Guard Service under the Ministry of Interior, customs, and other); among law enforcement institutions and non-governmental organisations; among ministries (Interior, Justice, Social Security and Labour, Health Care, Foreign Affairs, Education and Science, and other); among institutions of law enforcement and public authority.

Co-operation with NGO's

In Lithuania there is a set of NGOs offering social, medical, psychological and other aid to persons who have become subjected to trafficking. Among them are: the Aid Centre for Families of Missing People, Vilnius Women's Centre, Crises centre, etc.

Awareness raising programmes

Education takes a special position in the system of preventive measures of trafficking in people. All international legal acts dealing with the prevention of trafficking in people highlight education (information) as one of the necessary and the most effective preventive measures against trafficking in people, i.e. informing people about the threats of people trafficking as well as about methods and ways to avoid them makes it possible to minimize engagement of new individuals (minors, unemployed people, girls and women experiencing violence and sexual abuse at home, and others) into trafficking in people and forced prostitution as well as withdrawal of the already involved people from trafficking and forced prostitution. Acknowledging the importance of education (information) as one of the most significant and effective preventive measures against trafficking in people, a range of various measures is established in Chapter II "Education" of the Annex 1 of the Programme of Control and Prevention of Trafficking in People and Prostitution for 2002 – 2004.

The non-governmental organisation the Aid Centre for Families of Missing People installed a free-of-charge telephone line for potential victims of trafficking in people, gave 23 lectures at the educational institutions of Lithuania as well as for social workers working with people coming from groups of higher risk, prepared and published 32 information posters on the topic "Trafficking in people takes place in Lithuania as well", organised 4 international and 2 domestic conferences on problems of victims of trafficking in people, published and distributed 87,000 information leaflets warning about the threats of looking for illegal work abroad, etc.

In 2001, in Lithuania the International Organisation of Migration carried out an informational campaign during which it tried to warn young girls about potential dangers, inform about safer ways to be employed abroad and to give some advice how to behave when faced with traffickers in people. At the end of January 2002, the International Organisation of Migration, which is constantly consulting those who have any doubts regarding their decision to go abroad to work on the phone, started the second wave of the informational campaign. There is a video ad against trafficking in women broadcasted by the television. Soon similar information will appear on the radio stations, press, and in the public transport. There are plans to distribute specially prepared leaflets and brochures at schools, branches of the Labour Exchange of Lithuania, and border control posts.

International co-operation

The Republic of Lithuania has signed intergovernmental agreements regarding cooperation in the field of crime control and prevention with 19 states. The Ministry of the Interior has signed departmental agreements with law enforcement institution of 13 Countries. The Police Department under the Ministry of Interior communicates with the law enforcement institutions of foreign countries on the issues related to criminals and the search for the missing people via the channels of the National Bureau of Lithuania of the Interpol. Moreover, the countries, which have signed agreements on legal aid with Lithuania are in touch via the Consular Department of the Ministry of Foreign Affairs.